

Application **GRANTED**. Defendants' time to answer or otherwise respond to the Amended Complaint is extended to **December 8, 2023**. By **December 6, 2023**, the parties shall file a joint status letter updating the Court on the status of settlement discussions.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: November 9, 2023  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

**VIA ECF**

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Tommy Barnes v. City of New York, et al., 18-cv-7119 (LGS) (OTW)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and one of the attorney for defendants City of New York, Sergeant Kenneth Caesar, Officer Michael Manetta and Officer Nicholas Mauceli in the above-referenced matter. Defendants respectfully request a stay of the case while the parties explore settlement, or in the alternative, request a thirty day extension of time for defendants to respond to the Amended Complaint. See ECF No. 121. Plaintiff is presently incarcerated and as such defendants have not been able to ascertain his position on this request.

By way of background, plaintiff brought the instant matter following a January 21, 2014 drug-related arrest, for which he was acquitted at trial. Following status conference held on October 18, 2023, the Court directed plaintiff to file an Amended Complaint by October 27, 2023 and further referred the case to Magistrate Judge Wang for the parties to explore settlement. See ECF Nos. 117 and 119. Plaintiff filed his Amended Complaint on October 25, 2023, which purports to assert a *habeas corpus* claim. See ECF No. 121. Defendants intend to move to dismiss this additional claim as well as any remaining state law claims, however defendants hope that the parties may have productive settlement discussions. Judge Wang has scheduled a settlement conference for December 5, 2023 at 10:30 a.m. See ECF No. 120. A stay of the case, or in the alternative, an extension of time for defendants to respond to the Amended Complaint would permit the parties to explore settlement prior to engaging in anticipated motion practice.

Therefore, in an effort to conserve both the Court's and this Office's resources, defendants respectfully request that their time to respond be stayed, or in the alternative, extended until December 8, 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch

*Senior Counsel*

cc: **VIA First Class Mail**

Plaintiff *Pro se*